GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Dept., – Minor Irrigation – SPSR Nellore District – Arbitration Cases – Sanction of Rs.6,74,183/- decretal amount to Sri Nellore Ramachandra Reddy in EP No:82/2005 in OP. No: 34/1994 – Administrative sanction – Orders – Issued.

WATER RESOURCES (ARB) DEPARTMENT

G.O.RT.No. 60 **Dated: 01-03-2021**

Read the following:-

1. From the Chief Engineer, Minor Irrigation, Lr.No.DCE-II/OT.III/SO3/CC9/ARB-Nellore/2011-12, Dated:25/02/2012.
2. From the Hon'ble High Court of Andhra pradesh, Judgment dated:14/11/2007 in C.R.P.No.3256/2003.
3. Representation from Smt.Nellore Sujathamma w/o Late Nellore Ramachandra Reddy, Dated:23/01/2017.
4. From the Chief Engineer, Minor & Medium Irrigation, Water Resources Department, Vijayawada, Letter.No.DCE-I/OT2-T2/Balance Decretal amount in EP No:82/2005, Dt: 05/02/2020.
5. From the Chief Engineer, Minor & Medium Irrigation, Water Resources Department, Vijayawada, Letter.No.DCE-I/OT2-T2/Balance Decretal amount in EP No:82/2005, Dt: 19/11/2020.

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ORDER:

The Chief Engineer, Minor Irrigation, vide reference 1st read above has informed that Sri Nellore Ramachandra Reddy, Contractor entered into an agreement with the Superintending Engineer, Irrigation Circle, Nellore for execution of work ''Formation of a new tank across Musalimadugu Vagu near Ramkur Village in Rapur Mandal of SPSR Nellore District''. The estimated value of work is Rs.9.70 lakh vide C.R.No.154/77-78 and Agreement No.64 SE/77-78, Dt.13.01.1978 for Rs.5,12,698/- @18.33% less than the sanctioned estimate Rates. As per the agreement terms and conditions, the contractor has to complete the work within 12 months from the date of handing over the site. The contractor failed to complete the work within the stipulated time. He has executed the work for the value of Rs.3,92,988/- by the end of stipulated agreement period i.e. by 04.01.1979. As per the terms and conditions of the agreement '' Time is essence of the contract'' is not fulfilled by the contractor and on his request he was granted the extension of time for completion of work upto 30/10/1981 and the contractor was paid an amount of Rs.5,07,946/- by 31.12.1981 in 5 periodical part bills, duly affecting regular recoveries and appropriate penalties for his lapses in work execution as per the agreement conditions. Aggrieved by the above, the Contractor approached the Court of Law.

2. The Principal Subordinate Judge, Court, Nellore passed the decree on the above in OP.No.34/1994 and OP No:36/1994 jointly duly supporting the award of the arbitrator i.e., in favour of the contractor during 4/2003. As per the opinion of the Govt. Pleader, Nellore, the department has filed CMP No.15815/2003 in CRP No.3256/2003 before the Hon'ble High Court of A.P., Hyderabad. The Hon'ble High Court has granted stay vide CAP No.15815/2003 in CRP No.3256/2003 subject to the condition of the petitioner depositing half of the decretal amount within six weeks from 23-7-2003. Accordingly, half of the decretal amount of Rs.6,94,638/- vide DD.No.938932, dated 4-4-2005 was deposited in the Addl.Senior Civil Judge court, Nellore and requested the Hon'ble High Court for extension of time in CMP No.15815/2003 in CRP No.3256/2003 upto the date of deposit i.e. 06-04-2005.

3. In the reference 2nd read above, the Hon'ble High Court of Andhra Pradesh in its Judgement directed Sri Nellore Ramachandra Reddy (contractor) to approach the

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Principal Secretary of the concerned department within 3 weeks for filing appropriate comprehensive representation and to conciliate and settle the claim within 3 months and both parties are at liberty to approach the Hon'ble High Court for final settlement or disposed of the matter on merits, if it warrants.

4. In the reference 3rd read above, Smt.Nellore Sujathamma w/o Late Nellore Ramachandra Reddy, has made a representation to the Principal Secretary to Government, Water Resources Department, Velagapudi to honour the amicable settlement.

5. In the reference 4th read above, the Chief Engineer, Minor & Medium Irrigation, Water Resources Department, Vijayawada has also requested the Government to pass necessary orders for release of Balance decretal amount of Rs.6,74,183/- in EP No:82/2005 in OP. No: 34/1994 filed by Nellore Ramachandra Reddy, to settle the issue.

6. In the reference 5th read above, the Chief Engineer, Minor & Medium Irrigation, Water Resources Department, Vijayawada, has confirmed that the proposal sent to release the balance decretal amount of Rs.6,74,183/- duly allotting the amount for settling the issue payable in respect of the CRP No.3256/2003 is in conformity with the order and decree of the reference court.

7. Government after careful examination of the proposal of the Chief Engineer, Minor & Medium Irrigation, Water Resources Department, Vijayawada, hereby, accord administrative sanction of an amount of Rs.6,74,183/- (Rupees six lakhs seventy four thousand one hundred and eighty three only) as decretal amount to Smt Nellore Sujathamma w/o Late Sri Nellore Ramachandra Reddy in EP No:82/2005 in OP. No: 34/1994.

8. The Chief Engineer, Minor & Medium Irrigation, Vijayawada shall take further action accordingly.

9. This order issues with the concurrence of Finance (FMU.WR.I) Department vide their U.O. Note No. FIN01-FMU0PC (WRI)/199/2020-FMU-WR-I (Computer no. 1308945), Date: 04.01.2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SYAMALA RAO JAMJAM
SECRETARY TO GOVERNMENT

To
The Chief Engineer, Minor & Medium Irrigation, Vijayawada.
Copy to:
The Pay & Account Officer, Vijayawada.
The Director of Works & Accounts, Vijayawada.
The Finance (FMU.WR.I) Department.
The PS to Minister (WRD),
The PS to Secretary to Government (WRD)
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER